

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ANTHONY G. BELL,

Plaintiff,

-v-

No. 21-CV-2792-LTS

THE CITY OF NEW YORK AND PRAXIS
HOUSING INITIATIVES, INC.,

Defendants.

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ORDER OF DISMISSAL

By Memorandum Order (the “Memorandum Order”) dated September 25, 2023 (docket entry no. 33), the Court granted Plaintiff a final leave of sixty days to file a second amended complaint in this action. Plaintiff was warned that, if he failed to file a second amended complaint within the sixty-day timeframe (i.e., by November 24, 2023), absent good cause, the Court would dismiss the first amended complaint (docket entry no. 5) with prejudice as against the City of New York (the “City”) for failure to state a claim on which relief may be granted, pursuant to Federal Rule of Civil Procedure 12(b)(6).

Plaintiff was also warned that, if he failed to either (a) file a second amended complaint by November 24, 2023, or (b) show cause as to why he had failed to request an extension of time to allow the U.S. Marshals Service to successfully serve the first amended complaint and summons on Praxis Housing Initiatives, Inc. (“Praxis”), the Court would dismiss the first amended complaint without prejudice as against Praxis for failure to effect timely service, pursuant to Federal Rule of Civil Procedure 4(m).

The sixty-day window for leave to file a second amended complaint has now expired, and Plaintiff has not filed a second amended complaint or sought an extension of the filing deadline. Plaintiff has also made no application to the Court showing cause for failure to request an extension of time to allow the U.S. Marshals to effect service of the first amended complaint on Praxis. For the reasons set forth in the Memorandum Order, Plaintiff's first amended complaint is dismissed with prejudice as against the City of New York, and dismissed without prejudice as against Praxis Housing Initiatives, Inc.

The Clerk of Court is respectfully directed to enter judgment accordingly, to mail a copy of this order to Plaintiff, noting service on the docket, and to close this case.

SO ORDERED.

Dated: December 8, 2023
New York, New York

/s/ Laura Taylor Swain
LAURA TAYLOR SWAIN
Chief United States District Judge